



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Ordinance No. 1855 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20 – Electrical Service – by Adding Section 13.20.020, 'Energy Theft Diversion/Field Services Fee Recovery Schedule'"

MEETING DATE: December 7, 2011

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1855.


BACKGROUND INFORMATION: Ordinance No. 1855 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20 – Electrical Service – by Adding Section 13.20.020, 'Energy Theft Diversion/Field Services Fee Recovery Schedule,'" was introduced at the regular City Council meeting of November 16, 2011.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov'f Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov'f Code § 36937.**
This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.



Randi Johl
City Clerk

RJ/jmr
Attachment

APPROVED: 

Konradt Bartlam, City Manager

DRAFT

ORDINANCE NO. 1855

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING LODI MUNICIPAL CODE CHAPTER 13.20 –
ELECTRICAL SERVICE – BY ADDING SECTION
13.20.020, “ENERGY THEFT DIVERSION/FIELD
SERVICES FEE RECOVERY SCHEDULE”

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Section 13.20 – Electrical Service – is hereby amended by adding Section 13.20.020, “Energy Theft Diversion/Field Services Fee Recovery Schedule,” and shall read as follows:

Section 13.20.020 Energy Theft Diversion/Field Services Fee Recovery Schedule

A. **PURPOSE:** The Lodi City Council finds and determines that there is and has been a rise in utility theft in the City of Lodi whereby electricity services are being obtained without payment, including but not limited to, shutoff costs, meter tampering, damage to or removal of meter locking devices, energy diversion or theft of electric service, resulting in substantial monetary losses to the City’s ratepayers in the form of, including but not limited to, loss of revenue, replacement of damaged meters, meter testing fee and other related equipment replacement or repair costs, personnel time in investigating and remedying theft matters, investigative costs, and attorney’s fees. The purpose of this ordinance is to establish clear guidelines for the processing and recovery of revenues related to theft as well as costs, fees, and expenditures incurred by the City as a result of utilities theft as described herein.

B. **ADOPTION OF FEES:** The Lodi City Council shall from time to time establish by Resolution fees to be charged to utility account holders where the City incurs costs as a result of nonpayment, meter tampering, or actual or attempted theft of energy. Costs shall not exceed actual cost. Fees shall be limited to the following:

- 1) Theft Inspection Fee - shall be charged upon an inspection that shows that the meter has been tampered with or that the meter has been bypassed.
- 2) Field Services Field Trip Fee - shall be charged on accounts that are sealed for nonpayment.
- 3) Service Cut-At-Pole Fee – shall be charged on accounts that cannot be turned off at meter box when sealed for nonpayment or on accounts that the meter has been bypassed or tampered with.
- 4) Meter Set Fee – shall be charged when a meter must be replaced when the meter has been tampered with or bypassed.
- 5) Damaged Meter Test Fee – shall be charged when a meter must be tested after the meter was tampered with or bypassed.
- 6) Meter Ring Fee – shall be charged when meter ring must be replaced after the meter was tampered with or bypassed.

- 7) Padlock Fee – shall be charged when padlock must be installed or replaced after the meter was tampered with or bypassed.
- 8) Meter Cover Fee – shall be charged when meter cover must be replaced after the meter was tampered with or bypassed.
- 9) Damaged Meter Replacement Fee – shall be charged when meter is unrepairable and must be replaced after meter was tampered with or bypassed (separate fees for Single-Phase and/or Poly-Phase).
- 10) Nighthawk Collar/Nighthawk Meter Replacement Fee – shall be charged when Nighthawk Collar and/or Nighthawk meter must be replaced after the meter was tampered with or bypassed.

SECTION 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. This ordinance shall be published pursuant to law and shall become effective 30 days from the date of passage and adoption.

Approved this 7th day of December, 2011

Attest:

BOB JOHNSON
Mayor

RANDI JOHL
City Clerk

State of California
County of San Joaquin, **ss.**

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1855 was introduced at a regular meeting of the City Council of the City of Lodi held November **16, 2011**, and was thereafter passed, adopted, and ordered to print at a regular meeting **of** said Council held December 7, 2011, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

I further certify that Ordinance No. 1855 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved to Form:

D. STEPHEN SCHWABAUER
City Attorney